4th September 1928]

* The hon. the PRESIDENT :—"If the Government do not finish their business before the days allotted for non-official business, they have got a right to ask me to continue the sittings."

Mr. SAMI VENKATACHALAM CHETTI :—"I suppose it is done on consultation with the other parties in the House."

* The hon. the PRESIDENT :—"It has never been the practice as far as my knowledge goes.

## VI

### HOUSE COMMITTEE.

* The hon. the PRESIDENT :—"Regarding the election of six members to the House Committee, I have to announce to the House that the following candidates have been duly nominated for election to the Committee :—

1. Diwan Bahadur P. C. Ethirajulu Nayudu.
2. Mr. T. Adinarayana Chettiyar.
3. Rao Sahib L. C. Guruswami.
4. Mr. P. Anjaneyulu.
5. ,, C. S. Govindaraja Mudaliyar.
6. ,, Ramanatha Goenka.

"As the number of candidates for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the abovementioned Members to be duly elected under Regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

"Under Standing Order 80, I have nominated Mr. P. T. Rajan and Mr. Soundarapandya Nadar to be Members of the Committee."

### ELECTION OF A COMMITTEE OF THE COUNCIL FOR CONFERRING WITH THE INDIAN STATUTORY COMMISSION—*cont.*

* The hon. the PRESIDENT:—"The question is whether the motion of the hon. the Leader of the House is in order or not.

"The first and principal argument advanced against the motion is that it is barred by Standing Order 65. That Standing Order says : 'When a resolution has been moved in the Council no resolution or amendment raising substantially the same question shall be moved again within one year.' On the 24th of January last, during the last session of the Council, a resolution was moved in the Council in the following terms :—

'That this Council recommends to the Government that they do convey to His Excellency the Viceroy and His Majesty's Government the resentment of this Council at the appointment of the Statutory Commission and that they do advise His Majesty to abolish the constituted Commission and order the institution of a representative Round Table Conference to be composed of delegates elected by the elected Members of all the Legislatures of India.'

It was passed in an amended form which is immaterial for the purposes of Standing Order 65. It is sufficient to say that it would prevent another resolution raising substantially the same question being moved till the 24th of January next, though a new session has opened.

"It has therefore to be decided (1) whether the present motion is a 'resolution' and (2) whether it raises substantially the same question as the resolution of January 1928. I do not propose to deal with the second point, as, on

[The hon. the President] [4th September 1928

account of my decision on the first point, I consider its decision unnecessary. Therefore, I shall only deal with the question whether the present motion is a resolution.

"Now, a resolution is defined in the rules as meaning 'a motion for the purpose of discussing a matter of general public interest. Under rule 23 (1) of the rules, every resolution shall be in the form of a specific recommendation addressed to the Government. The chapter of the Standing Orders entitled 'Resolutions' in which Standing Order 65 occurs, refers and has always been understood to refer only to resolutions in this restricted sense, viz., to motions on matters of general public interest being specific recommendations addressed to the Government. And it was for this reason that provisos 2 and 3 of Standing Order 53 appearing in that chapter were removed from that chapter to the chapter entitled 'Financial business' as those provisos related to financial business. Standing Order 65 does not apply to motions other than such resolutions.

"In fact, at the time when the Standing Orders were made, it is doubtful whether a motion of this kind could have been made at all. It was by means of rules passed in the year 1926 that all doubt as to the power of this Council to entertain and discuss motions on matters of general public interest, which were not specific recommendations addressed to the Government, was removed. Neither the Government of India Act of 1861 nor the Government of India Act of 1892 recognized the power of the Council to entertain motions of any kind except those relating to legislation. It was under the Government of India Act of 1909 and the rules passed thereunder, otherwise known as the Minto-Morley Reforms, that the right to move resolutions on matters of general public interest was conferred upon the Legislative Council; but then those resolutions had to be moved in the form of specific recommendations to the Government and subject to all the restrictions which still continue to govern the moving of resolutions in the above restricted sense. I was in the Council in those days, and in those days even the resolutions on the financial statement of the Government had to be in the form of specific recommendations to the Government. When the present Reforms were introduced in 1919, the Council obtained powers for the first time to entertain motions other than resolutions, but these powers were clear only in so far as they extended to the making of a motion for the adjournment of the House on a definite matter of urgent public importance and of motions on the budget. It was still doubtful whether this Council had a right to entertain other kinds of motions such as a motion of no-confidence in the Ministers or a motion on a matter of general public interest not being a specific recommendation to the Government, or even a motion for an address to the Governor in a case in which a communication could be made to him under the Government of India Act or the rules made thereunder. In this connexion, the ruling of Mr. Swamikannu Pillai disallowing certain motions on the 4th March 1924 on the ground that they were not admissible under the Rules or Standing Orders will come to the mind of hon. Members. In 1926, the Government of India made the present rule which is embodied in rule 24-A. It was made simultaneously with the rule providing for motions of no-confidence in the Ministers, viz., rule 12-A. Now, this rule (rule 24-A under which this motion has been brought, recognizes the right to make motions for an address to the Governor in a case in which a communication could be made to him under the Government of India Act or the rules made thereunder and

4th September 1928] [The hon. the President]

further it allows motions other than resolutions to be discussed on matters of general public interest provided that the previous consent of the President and of the Member of the Government concerned has been obtained, and provided that the subject is a subject in regard to which a resolution can be moved.

" Regarding motions for the discussion of matters of general public interest, a clear distinction must therefore be made between motions which are recommendations to Government and motions which are not. The former are ' Resolutions ' and the latter are not.

" The motion before the House is not a resolution in this restricted sense. It is not a specific recommendation addressed to the Government and, so far as I can see, is incapable of being converted into a recommendation to the Government.

" It is contended that motions contemplated by rule 24-A are also ' Resolutions ' but that they are resolutions not made in accordance with the rules. In this sense, every motion can be called a resolution, a distinction being made between (1) resolutions moved in accordance with the rules, by which I take it, specific recommendations to the Government are meant, and (2) resolutions moved not in accordance with the rules. But rule 24-A itself calls the motions made thereunder only ' motions, ' and makes a distinction between ' motions ' under it and ' resolutions ' moved in accordance with the rules. It also contains an express provision enabling His Excellency the Governor to disallow under certain contingencies ' motions ' made under that rule, a provision which would be unnecessary if such motions also were resolutions ; for a provision for the disallowance of ' any resolution ' already existed in rule 22 (1). I emphasize the words ' any resolution ' in rule 22 (1).

" Standing Order 65 contains a restriction of an exceptional character on the right of discussion in a particular way of matters of general public interest. It applies whether a question raised by a previous resolution has been voted upon or not and even where a resolution has been only moved and withdrawn. Paragraph 2 of Standing Order 65 even debars the moving within the same session of a resolution when a previous resolution on the same matter has merely been disallowed. Such an exceptional Standing Order which has no counterpart in the procedure of the House of Commons on which the practice of this House is based, cannot be extended to cases to which its application is not warranted by its strict letter. Standing Order 65 only prevents the repetition within a year of what I may for the sake of effect call, petitions to the Government, and does not prevent the discussion within a session by the Council of motions which are not petitions to the Government.

" Standing Order 65 is a practical reproduction of a corresponding Standing Order which had existed in the pre-Reform days. That Standing Order ran as follows :—

' 26. When a question has been discussed at a meeting of the Council or when a resolution has been disallowed under rule 7 or withdrawn under rule 19 no resolution or amendment raising substantially the same question shall be moved within one year.'

" There was no provision in the old Standing Orders corresponding to the present Standing Order 30. The motions that could be moved then were all of an advisory character and were merely resolutions and the only Standing Order against their repetition was the one quoted above. When, however, a

[The hon. the President] [4th September 1928

class of motions on matters of general public interest other than recommendations to the Government was newly introduced, it became necessary to introduce a new Standing Order and that Standing Order is now Standing Order 30. It contains the normal rule against the repetition of motions, a rule obtaining in both Houses of Parliament and I believe in other Houses modelled upon the English Parliament. That Standing Order says :—

'A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.'

"It is that standing order that must therefore apply to the present motion.

"No sufficient reason whatever has been adduced why this standing order does not apply to the present case but only Standing Order 65. If all motions were resolutions, there is no reason why there should be one rule against repetition as regards motions and another as regards resolutions."

Mr. S. Satyamurti :—"On a point of order, Sir. It is now 2-30 p.m. May I now move my adjournment motion ?"

The hon. the President :—"I rule that the hon. Member is in order and he can move his motion."

VII

ADJOURNMENT MOTION *IN RE* THE SOUTH INDIAN RAILWAY STRIKE.

*Mr. S. Satyamurti :—"Mr. President, Sir, I beg to move—

'*That the business of the House be adjourned to consider a definite matter of urgent public importance, namely, the action taken by the Madras*
2-30 p.m. *Government in connexion with the recent strike of the workers of the South Indian Railway Company, especially their indifference to arbitrate between the workers and the company.*'

"Sir, my charges against the Government which I want this House to discuss by means of this adjournment motion are roughly three in number. First, Sir, my charge is that the Government have remained inactive and indifferent throughout the period preceding the strike and during the negotiations which because of their failure terminated in the strike. Secondly, the Government have identified themselves with the South Indian Railway Company and have helped the company in terrorizing. . ."

* The hon. the President :—"I don't think the hon. Member will be in order in referring to the second point."

Mr. S. Satyamurti :—"I am talking of the action taken by the Madras Government in connexion with the workers, especially their indifference to arbitrate."

The hon. the President :—"You will have to confine to that and you should not travel beyond that."

Mr. S. Satyamurti :—"I am pointing out that the Government action has been such that as a result of their indifference . . ."

* The hon. the President :—"You cannot refer to that."

Mr. S. Satyamurti :—"Am I not to give reasons why they should arbitrate ? "